

**Notice of Allowability**

Application No.

09/842,547

Applicant(s)

ADAMS ET AL.

Examiner

JOHN PAK

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendments of 10/25/04 and telephone discussion of 12/8/04.
2. ☒ The allowed claim(s) is/are 1,3-5,13,16-19,22,33-34 [renumbered as 1-12].
3. ☒ The drawings filed on 25 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

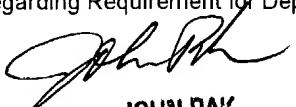
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12072004.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
JOHN PAK  
PRIMARY EXAMINER  
GROUP 1600

Claims 1, 3-5, 13, 16-19, 33-34 are pending in this application. This Office action is in reply to applicant's after-final response of 10/25/2004 and telephone discussions between Mr. Snyder and the Examiner conducted on 12/8/2004 and 12/9/2004.

It is noted for the record that applicant's after-final amendments have been granted entry.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interviews with Mr. Snyder on 12/8/2004 and 12/9/2004.

Claim 1. (Currently amended) A method for inhibiting a malignant cell phenotype in a subject, said method comprising: administering to said subject in need thereof a low dose of a nitric oxide mimetic, wherein said nitric oxide mimetic is nitroglycerin, wherein said low dose is 3 to 10,000 fold lower than a dose of said nitric oxide mimetic that produces vasodilation, and wherein said low dose of said nitric oxide mimetic does not induce substantial tolerance in said subject.

Claim 13. (Currently amended) A method for inhibiting a malignant cell phenotype in an animal, said method comprising: administering to said animal in need thereof a low dose of a nitric oxide mimetic, wherein said nitric oxide mimetic is

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nitroglycerin, wherein said low dose is 3 to 10,000 fold lower than a dose of said nitric oxide mimetic that produces vasodilation, and wherein said low dose of said nitric oxide mimetic does not induce substantial tolerance in said animal.

Claim 19. (Currently amended) A method for treating cancer in a subject, said method comprising administering to said subject in need thereof a low dose of a nitric oxide mimetic, wherein said nitric oxide mimetic is nitroglycerin, wherein said low dose is 3 to 10,000 fold lower than a dose of said nitric oxide mimetic that produces vasodilation, and wherein said low dose of said nitric oxide mimetic does not induce substantial tolerance in said subject.

Claim 33. (Currently amended) A method for inhibiting a malignant cell phenotype, said method comprising administering to said malignant cell phenotype a low dose of a nitric oxide mimetic, wherein said nitric oxide mimetic is nitroglycerin, wherein said low dose is delivered by said nitric oxide mimetic at a concentration between about  $10^{-14}$  M to  $10^{-6}$  M, and wherein said low dose is 3 to 10,000 fold lower than a dose of said nitric oxide mimetic that produces vasodilation.

Claim 34. (Currently amended) The method of claim 33, wherein said low dose is delivered by said nitric oxide mimetic at a concentration between about  $10^{-14}$  M to  $10^{-10}$  M.

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New references listed on the PTO-892 are being cited to further show the state of the art.

It is noted for the record that the term "subject" in the present claims means animal or human subject. Mr. Snyder agreed with this interpretation on 12/9/2004.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOHN PAK whose telephone number is **(571)272-0620**.

The Examiner can normally be reached on Monday to Friday from 8 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's SPE, Gary Kunz, can be reached on **(571)272-0887**.

The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1600.



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